

Duty to Report Child Abuse & Child Neglect

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Penn State Facing Civil Lawsuits For Failure To Report Jerry Sandusky's Sexual Crimes

The Huffington Post | By Tyler Kingkade   Posted: 07/13/2012 4:40 pm Updated: 07/15/2012 12:00 pm

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Penn State University has the lawsuits pending against it for failure to protect children from being assaulted on campus by one of its football coaches, Jerry Sandusky.

Penn State Probe: Freeh Report Reveals Paterno, Administrators Concealed Facts

By Nick Carbone | July 12, 2012 | 28

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UPDATED: 11 a.m.

The independent investigation into the Penn State child sex abuse scandal has revealed that a number of senior administrators at the university knew about two separate instances of misconduct by Jerry Sandusky but failed to act properly on the charges.

Conducted by Louis Freeh, a federal judge and



ROB CARR / GETTY IMAGES

Football coach Jerry Sandusky is escorted from the courthouse in handcuffs after being convicted of molesting a child.

Penn State scandal spurred Michigan to report old sex allegations

July 15, 2012 | By Matt Pearce | *This post has been corrected, as indicated below.*



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ANN ARBOR, Mich. — Penn State isn't the only university that's had a problem reporting sex crimes.

Here in Ann Arbor, in December, federal prosecutors charged Stephen Jenson, a resident physician at the University of Michigan hospital studying pediatrics, with possession of child pornography.



Jerry Sandusky is led from the courthouse after he was convicted of molesting... (Gene J. Puskar / Associated...)

Separate trial dates set for LaPorte schools' Lebo, Gilliland

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June 06, 2013 8:15 pm • Stan Maddux Times Correspondent

LAPORTE | Separate trial dates have been set for LaPorte High School athletic director Ed Gilliland and former high school girls volleyball coach Mary Beth Lebo on allegations they failed to report suspicions of a sexual relationship between a now former coach

LaPorte Superior Court 3 Judge Jennifer Koethe on Wednesday Aug. 12 and the trial for Gilliland to begin Aug. 26.

She also granted the motion by LaPorte County Prosecutor Bob Szilagyi to seek an outside prosecutor.

The defense alleged Szilagyi had a conflict of interest due to previous work with Gilliland.

Szilagyi disputed the claim, but said he asked for his office to be recused due to a conflict of interest.

A request by the defense to have the trial outside LaPorte County and a motion by prosecutors for the cases to be tried together were not granted.

Gilliland, Lebo trial will be in Allen County

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August 01, 2013 5:25 pm • Stan Maddux Times Correspondent

LAPORTE | The trial of two LaPorte school officials accused of covering up a sexual relationship between a coach and female player has been moved out of LaPorte County.

At the request of the defense and prosecution, LaPorte Superior Court 3 Judge Jennifer Koethe moved the trial of Ed Gilliland and Mary Beth Lebo to Allen County.

Koethe also ordered both defendants be tried together instead of separately.

Having one trial also was requested by both sides, who came to an agreement on both issues to avoid a hearing Wednesday.

"I agreed to a change of venue if they agreed to consolidate," said Sonia Leerkamp, who is the special prosecutor appointed June 18 to try the case after LaPorte County Prosecutor Bob Szilagyi withdrew from the case.

Christian Choate Abuse: More Than A Dozen Knew About Beatings

First Posted: 07/11/11 03:01 PM ET ; Updated: 09/10/11 06:12 AM ET



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Lake County Sheriff

The tragic story of Christian Choate, the Gary, Indiana boy who was allegedly locked in a cage, beaten and ultimately killed by his father and stepmother, was apparently known to several family members, neighbors and others.

But almost all of the at least 13 people who knew about Choate's abuse didn't report it to authorities, out of either apathy, uncertainty, or fear of retribution, according to a new report in the *Northwest Indiana Times*.

Riley Choate, Christian's father, and Kimberly Kubina, his stepmother, are charged with murder and several other felonies after the boy's body was discovered in a shallow concrete grave earlier this year. According to authorities, the two kept Christian locked in a dog cage, fed him infrequently, and beat him regularly for the last year of his life. One such beating apparently took his life on April 4, 2009.

Mandatory abuse-reporting laws

Every state has laws requiring some adults to alert authorities when they suspect a child has been abused or neglected. This chart shows which types of adults are specifically required to report, and whether failing to report abuse is a crime.

	ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA	HAWAII	IDAHO	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO	NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING				
Who is required to report abuse and neglect?																																																						
All Adults																																																						
Teachers, principals																																																						
Doctors, nurses																																																						
Law enforcement																																																						
Social workers																																																						
Clergy																																																						
Parents ^a																																																						
Childcare workers																																																						
Recreational groups																																																						
What happens when people don't follow the law?																																																						
Is not reporting a crime?																																																						
Enforcement actions																																																						

a. - Includes states that require only foster parents to report.

Sources: U.S. Department of Health and Human Services, National District Attorneys Association, USA TODAY research

Graphic by Brad Heath, Kevin A. Kepple and Kristin DeRamus, USA TODAY

Indiana Law

- All individuals have a duty to report child abuse or neglect
 - Report must be made if an individual has a reasonable belief
 - Report can be made to DCS or local police departments
- If an employer has established a protocol for reporting child abuse or child neglect, the employees and the employer must follow the protocol
- The individual duty to report is not satisfied by following the employer's protocol, unless a report has already been made to the best of the employee's belief

Indiana Law (continued)

- ◉ The individual making the report is immune from civil and criminal liability because he/she is presumed to be acting in good faith
- ◉ An individual who knowingly fails to report child abuse or neglect commits a Class B misdemeanor
 - This can be charged whether the individual fails to report under the individual duty or fails to follow the employer's protocol

Instructions for Reporting: Once You Have a Reasonable Belief of Child Abuse/Neglect

- Immediately make a report
 - Do not wait until the end of the day to make a report
 - Report needs to be made before the child is returned to the care of the possible suspect
- Do not attempt to investigate the allegations
 - Do not call the child's parents or guardian
 - Do not talk to the child's siblings or friends
- Do not ask the child any additional questions
 - Do not attempt to find out the name of the suspect if it was not provided
 - Do not have the child fill out a written statement

Instructions for Reporting: Once You Have a Reasonable Belief of Child Abuse/Neglect

- Do not ask witnesses any additional questions
 - Do not talk to the child's siblings or friends
 - Do not have witnesses fill out written statements
- Provide any evidence to DCS or local police
 - If child's disclosure was in writing, provide that document to the police
- Do not notify anyone other than DCS, local police, or the individual required by your employer's protocol

Heartford House

- Child friendly interviews are conducted at Heartford House
 - Interview victims, witnesses, and siblings
 - Children under 16 years of age
 - Discuss body parts, safety, etc.
- DCS, police, and prosecutor's office all present during the interview
 - Reduces the number of times the child has to be interviewed
- Interviewers receive special forensic training
 - Goal is to obtain information without leading the child
 - Specific types of questions asked
 - Important that the child has not been previously interviewed

Information Needed by the Police

Essential Information:

- Child's name
- Why you suspected child abuse or neglect
 - Child's statement
 - Child's demeanor
 - Child's appearance and/or injuries

Information Needed by the Police

Helpful Information:

- Child's age, address, names of siblings, etc.
- Name of child's parents or guardians
- The suspect's name, age, address, relationship to the child, etc.
- Location, timing, and type of the abuse or neglect
- How the child disclosed the abuse (i.e. writing, verbal, etc.)

However, do not ask questions directly. Only provide it to the police if you already have it.

Hypothetical Scenario #1

- Jane (8 years old) talks to her Sunday School teacher after class – she is visibly upset and hanging her head
- She mentions that her dad is touching her pee-pee before she goes to bed
- The teacher should do the following:
 - A: Report the suspected abuse according to protocol
 - B: Report the suspected abuse according to protocol & follow up later in the day to make sure a report was made
 - C: Ask Jane more details about what her dad is doing
 - D: Do nothing because Jane could be explaining an innocent event like bath time

Hypothetical Scenario #2

- A daycare employee notices that John (3 years old) looks like he has been crying recently, appears to be in pain when he sits down, and has bruises on his upper arms and shoulders
- After taking John to the bathroom, the employee notices a large bruise that covers both sides of John's bottom
- When the employee asked John what happened, John says "Mommy did it"
- The employee is aware that when John's mom dropped him off that morning, she did not provide information about these injuries
- The employee should do the following:
 - A: Report the suspected abuse according to protocol
 - B: Report the suspected abuse according to protocol & follow up later in the day to make sure a report was made
 - C: Call John's mom to find out what happened
 - D: Do nothing because John's vocabulary is limited

Hypothetical Scenario #3

- Jennifer (15 years old) plays soccer on a community team
- The soccer coach notices that Jennifer has started misbehaving, making fun of her teammates, and cussing – which is a drastic change in her personality
- A teammate tells the coach about some rumors and inappropriate photos of Jennifer that are being passed around school – she indicates that she is worried about Jennifer
- The coach should do the following:
 - A: Report the suspected abuse to DCS or local law enforcement
 - B: Try to get a copy of the inappropriate photos of Jennifer
 - C: Call Jennifer's parents to find out what is causing the change in Jennifer's demeanor
 - D: Do nothing because Jennifer did not say there were any problems at home or school

Any Questions?

Prosecutor Pat Harrington

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